

ADMITTED TO
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March 7, 2008

The Hon. Roger T. Benitez
U.S. District Court Judge
940 Front Street
San Diego, California 92101

Re: California Valley Miwok Tribe v. The Calif. Gambling Control Com.,
Case No. 08-CV-0120 BEN AJB

Dear Judge Benitez:

On March 3, 2008, the Defendant, The California Gambling Control Commission ("the Commission"), filed a "Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss" ("Reply Brief").

In its Reply Brief, the Commission cited, indeed attached a copy of, a Court of Appeals decision in California Valley Miwok Tribe v. The United States, decided on February 15, 2008. This decision was not addressed in my opposition papers, yet the Commission raises new issues in connection with it in its Reply Brief. For example, the Commission argues in its Reply Brief that the Court of Appeals "accepts without question that the Commission could appropriately refuse to distribute Revenue Sharing Trust Fund ("RSTF") monies to the [California Valley Miwok Tribe]..." (Page 2, lines 1-3 of Reply Brief). However, the Court of Appeals never made that statement, and never ruled on the Commission's duties with respect to this case.

Plaintiff wishes to address this and other misleading statements contained in the Reply Brief, should the Court entertain the Motion to Dismiss. However, as Plaintiff has pointed out in its own briefs, in the event the Court grants the Motion to Remand, the Commission's Motion to Dismiss (and other pending motions) would be moot. Should that occur, then the Plaintiff would not need to respond to the Reply Brief with respect to

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this recently decided Court of Appeals decision, and this letter request can then be disregarded.

Respectfully submitted,



Manuel Corrales, Jr.

cc: Peter H. Kaufman, Esq.
Terry Singleton, Esq.